

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

DERRICK DANIELS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV 315-007
	)	
LT. STRONG, Individually and in	)	
his Official Capacity,	)	
	)	
Defendant.	)	

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**ORDER**

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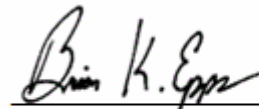
Plaintiff, an inmate incarcerated at Hancock State Prison in Sparta, Georgia, commenced the above-captioned case pursuant to 42 U.S.C. § 1983, concerning events that occurred at Dodge State Prison. Because Plaintiff is proceeding *in forma pauperis*, he is entitled to rely on court officials to effect service. See 28 U.S.C. § 1915(d). On December 4, 2015, the Marshal filed a letter stating that Defendant signed for the certified mail containing the complaint and waiver of service forms, but to this date, Plaintiff has not returned the executed waiver of service forms nor filed an answer. (Doc. no. 17.) Therefore, personal service of process shall issue as to Defendant.

The Court **DIRECTS** the U.S. Marshal to use reasonable efforts to effect personal service of process on Defendant within forty-five days of the date of this Order. Service shall be effected in accordance with the Court's Order of June 1, 2015, except that the

Marshal shall not request that Defendant waive formal service of the summons. Accordingly, the Marshal shall serve on Defendants a copy of the complaint, the Court's June 1st Order, and a copy of this Order. The Marshal is **FURTHER DIRECTED** to notify the Court within forty-five days of the date of this Order whether Defendant has been located and served.

Furthermore, individual defendants have a duty to avoid unnecessary costs of serving the summons, and if a defendant fails to comply with a request for waiver, the defendant must bear the costs of personal service unless good cause can be shown for failure to return the waiver. Fed. R. Civ. P. 4(d)(2). Thus, as Defendant has failed to waive service, they may be subject to court-imposed expenses pursuant to Fed. R. Civ. P. 4(d)(2)(A) and (B).

SO ORDERED this 5th day of February, 2016, at Augusta, Georgia.



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BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA